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OFFICE OF PETITIONS

In re Application of
Aaron Q. Johnson, et al.
Application No. 10/800,742
Filed: March 16, 2004
Attorney Docket No.: 27683-011

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ON PETITION

This is a decision in response to the Petition to Withdraw Erroneously-Issued Notice of Abandonment Under 37 CFR 1.181(a), filed October 12, 2010.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

The petition is **GRANTED**.

This application was held abandoned as a result of a failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in 37 CFR 41.37(a). A Notice of Abandonment was mailed on September 28, 2010.

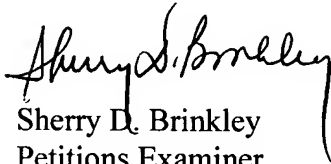
In response, on August 26, 2010, the present petition was filed, wherein petitioner requests that the abandonment be withdrawn. Petitioner explains that the Notice of Abandonment was mailed prematurely, since extensions of time were available through October 12, 2010.

A review of the written record discloses that petitioner is correct. A Notice of Appeal, with an appropriate 3-month extension of time, was filed on March 12, 2010 in response to a Final Office action mailed September 14, 2009. Accordingly, a response was due on or before May 12, 2010, with extensions of time available to the maximum period for response of October 12, 2010. Consequently, the Notice of Abandonment mailed September 28, 2010 was premature, and is hereby vacated.

The holding of abandonment is hereby withdrawn and the application is restored to pending status, in view of the timely response in the form of a Request for Continued Examination (RCE) under 37 CFR 1.114 on October 12, 2010.

Accordingly, the application is being referred to Technology Center AU 2445 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.



Sherry D. Brinkley
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